

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHRISTOPHER LaDAY,

Plaintiff,

-against-

JOHN/JANE DOE,

Defendant.

19-CV-9274 (CM)

ORDER OF DISMISSAL
UNDER 28 U.S.C. § 1651

COLLEEN McMAHON, Chief United States District Judge:

On October 25, 2016, Plaintiff was barred from filing any new action *in forma pauperis* (IFP) without first obtaining from the Court leave to file. *See LaDay v. Doe*, ECF 1:16-CV-6982, 3 (S.D.N.Y. Oct. 25, 2016). Plaintiff files this new *pro se* case but he has not submitted an IFP application or paid the relevant fees to bring this action. The Court construes Plaintiff's complaint as seeking IFP status and notes that Plaintiff has not sought leave from the Court. This action is therefore dismissed without prejudice for Plaintiff's failure to comply with the October 25, 2016 order.

The Clerk of Court is directed to assign this matter to my docket, mail a copy of this order to Plaintiff, and note service on the docket.

The Clerk of Court is directed to docket this as a "written opinion" within the meaning of Section 205(a)(5) of the E-Government Act of 2002.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an

appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: November 4, 2019
New York, New York



COLLEEN McMAHON
Chief United States District Judge